

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/511,421

Confirmation No.: 4654

Applicant: PATERNOSTER, Joe

Group Art Unit: 3739

Filing Date: 10/14/2004

Examiner: ROANE, Aaron F

Docket No.: 298.41

**RESPONSE TO OFFICE ACTION
DATED AUGUST 10, 2007**

Customer No.: 08586

(SUBMITTED THROUGH EFS-WEB)

For: USE OF THERMOREGULATORY
MATERIAL TO IMPROVE
EXERCISE PERFORMANCE

Dear Sir:

Applicants submit this response to an Office Action dated August 10, 2007. Since this response is being mailed after the three (3) month due date, the appropriate Petition for Extension of Time and fees are included. The Director is authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 04-0822. Applicants respectfully request reconsideration and allowance of the pending claims in view of the remarks presented herein.

Remarks/Arguments begin on page 2 of this paper.

Rule 131 Declarations from the Applicants with attached **Exhibits** follows page 4 of this paper.